

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 4, 2007**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of April 4, 2007, was called to order by Mayor Johnson at 5:30 p.m.

Present: Council Members – Hansen, Hitchcock, Katzakian [excluding C-2 (d), (e), and (f)],
Mounce, and Mayor Johnson

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Review of Council Appointees – City Manager and City Attorney – pursuant to Government Code §54957
- b) Threatened Litigation: Government Code §54956.9(b); One Case; Potential Suit by Norma Carson against City of Lodi Based on Personal Injury
- c) Actual Litigation: Government Code §54956.9(a); Two Consolidated Cases; Ana Perez v. Allen Aadland, City of Lodi, et al. and Allstate Insurance Company v. City of Lodi, Allen B. Aadland, Lodi Electric Utility, et al., San Joaquin County Superior Court Case No. CV 028324
- d) Actual Litigation: Government Code §54956.9(a); One Case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al., United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- e) Actual Litigation: Government Code §54956.9(a); One Case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- f) Actual Litigation: Government Code §54956.9(a); One Case; City of Lodi v. Michael C. Donovan, an individual; Envision Law Group, LLP, et al., San Francisco Superior Court, Case No. CGC-05-441976

C-3 ADJOURN TO CLOSED SESSION

At 5:30 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:55 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:03 p.m., Mayor Johnson reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

Items C-2 (a) and C-2 (b) were not discussed.

In regard to Item C-2 (c), settlement direction was given.

Items C-2 (d), C-2 (e), and C-2 (f) were discussion and direction only.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of April 4, 2007, was called to order by Mayor Johnson at 7:03 p.m.

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. INVOCATION

The invocation was given by Pastor Bill Cummins, Bear Creek Community Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Johnson.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 (a) Juan Villarreal, President of the Library Board of Trustees, presented the Library Volunteer of the Year Award to Patricia Stump.

D-2 (a) Following introductory comments by Joseph Wood, Community Improvement Manager, Mayor Johnson presented a proclamation to Jennelle Bechthold and Tom Sanchez, representing Central California Waste Services, proclaiming the month of April 2007 as "Keep Lodi Beautiful Month" in the City of Lodi.

D-3 (a) Corinne Casey and Sarah McConahey, representing the Greater Lodi Area Youth Commission, provided the Council with a quarterly update on the Commission's activities and accomplishments.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Mounce, Hansen second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

E-1 Claims were approved in the amount of \$3,524,504.92.

E-2 The minutes of March 20, 2007 (Shirtsleeve Session), March 21, 2007 (Regular Meeting), and March 27, 2007 (Shirtsleeve Session) were approved as written.

E-3 Approved the specifications and authorized advertisement for bids for landscape maintenance for the Lodi Consolidated Landscape Assessment District 2003-1, fiscal year 2007-08.

E-4 Approved the specifications and authorized advertisement for bids for 3,000 tons of asphalt materials for fiscal year 2007-08.

E-5 Approved the specifications and authorized advertisement for request for proposals for various photocopiers in several City departments.

E-6 "Adopt Resolution Awarding the Contract to HDR, Inc., of Folsom, for Surface Water Treatment Facility Conceptual Design and Feasibility Evaluation for Water Supply and Transmission System (\$400,000) and Authorizing the City Manager to Execute the Contract" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar**.

E-7 Adopted Resolution No. 2007-55 authorizing the City Manager to enter reimbursement agreements with developers seeking staff and contract resources to process development applications and developments.

E-8 "Approve New Development Code Update Plan and Adopt Resolution Authorizing the City Manager to Enter into a Contract with Jacobson & Wack in the Amount of up to \$55,000 for Contract Services Related to the Completion of the Development Code Update" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar**.

- E-9 "Adopt Resolution Ratifying Memorandums of Understanding with the Lodi City Employees General Services and Maintenance and Operators Units (July 1, 2006 through June 30, 2008)" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-10 Received report regarding final costs for the November 7, 2006, General Municipal Election.
- E-11 Set public hearing for April 18, 2007, to consider an appeal to the Planning Commission's approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane (Wine Country Casino and Restaurant, applicant; Kenneth R. Owen, appellant).
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ACTION ON ITEMS REMOVED FROM CONSENT CALENDAR

- E-6 "Adopt Resolution Awarding the Contract to HDR, Inc., of Folsom, for Surface Water Treatment Facility Conceptual Design and Feasibility Evaluation for Water Supply and Transmission System (\$400,000) and Authorizing the City Manager to Execute the Contract"

This item was pulled by Council Member Katzakian for further discussion.

In response to Council Member Katzakian, Public Works Director Prima stated there is no commitment to take the project any further than the scope outlined in the staff report, which is primarily through a variety of reports and studies. Mr. Prima stated the national firm is reputable, has written casebooks regarding the subject matter, and would be capable of designing the project.

MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Katzakian second, unanimously adopted Resolution No. 2007-56 awarding the contract to HDR, Inc., of Folsom, for surface water treatment facility conceptual design and feasibility evaluation for water supply and transmission system in the amount of \$400,000 and authorizing the City Manager to execute the contract.

- E-8 "Approve New Development Code Update Plan and Adopt Resolution Authorizing the City Manager to Enter into a Contract with Jacobson & Wack in the Amount of up to \$55,000 for Contract Services Related to the Completion of the Development Code Update"

Council Member Hitchcock pulled this item for further discussion and presentation.

Community Development Director Hatch provided an overview of the history and current status of the proposed development code, specifically outlining the information provided at the February 13, 2007, Shirtsleeve Session.

Council Member Hitchcock stated she will not support approving the contract based on her concerns regarding the process, previous budget allocations, timing, costs, amendments, and the draft code document. Community Development Director Hatch replied a noticed hearing is required before the Planning Commission and items, such as residential intensification and mobile food vendors, must be added to the draft code document.

Council Member Hansen stated he is looking forward to getting back on track and taking advantage of institutional knowledge provided by previous consultants.

MOTION:

Council Member Hansen made a motion, Mounce second, to approve the new Development Code Update Plan and adopt Resolution No. 2007-57 authorizing the City Manager to enter into a contract with Jacobson & Wack in the amount of up to \$55,000 for contract services related to the completion of the Development Code update.

DISCUSSION:

Mayor Pro Tempore Mounce stated she believed the proposed development code will help address issues in the aging parts of the City.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – Hitchcock

Absent: Council Members – None

- E-9 “Adopt Resolution Ratifying Memorandums of Understanding with the Lodi City Employees General Services and Maintenance and Operators Units (July 1, 2006 through June 30, 2008)”

Council Member Hitchcock requested a presentation regarding the subject matter.

City Manager King provided an overview of the proposed Memorandums of Understanding (MOU). He specifically discussed negotiating with the two bargaining units, action based upon Council direction, one frozen year without any increase, term expirations, the International Brotherhood of Electrical Workers (IBEW) MOU, and staff recommendation. Mr. King also thanked the groups for foregoing one year cost of living adjustment (COLA) increases for the betterment of the City.

In response to Council Member Hitchcock, Mr. Krueger stated the 3% to 5% COLA range is similar to the IBEW provisions and is reasonable based on Consumer Price Index comparisons.

Discussion ensued between Council Member Hitchcock, City Manager King, and Deputy City Manager Krueger regarding the applicability of a “me too” clause.

In response to Council Member Hitchcock, Mr. King stated salary survey benchmarks can be based on the nine City survey groups or on positions. He stated the ability to pay is also a consideration. Mr. Krueger stated they will start the survey process on January 1, 2008, and expect it to be completed by April 2008.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Mounce second, unanimously adopted Resolution No. 2007-58 ratifying MOUs with the Lodi City Employees General Services and Maintenance and Operators Units (July 1, 2006 through June 30, 2008).

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Gene Davenport provided the City Council with a brochure of information regarding the establishment of the San Joaquin DART Team and provided a brief presentation regarding the same.
- Kathy McClelland, Director of the Building Blocks organization, provided a brief presentation regarding the April 7, 2007, 5K run and walk benefit.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

None.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King reported that City Engineer Wally Sandelin and Parks and Recreation Director Tony Goehring were retiring and congratulated them on their years of service.

I. PUBLIC HEARINGS

- I-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to receive public input and to consider adoption of a resolution to act to form the Community Facilities District No. 2007-1 (Public Services) and set an election date for April 11, 2007.
City Manager King briefly introduced the subject matter.

City Engineer Wally Sandelin provided a brief PowerPoint presentation discussing topics including, but not limited to, Reynolds Ranch, community facilities report, goals and policies, services to be funded, services cost estimate, public hearing, proposed resolution, and amended boundary map.

In response to Council Member Hansen, City Manager King stated the community facilities district (CFD) looks at services only and not capital projects. He stated properties on the amended boundary map are conditioned to join at a later date.

In response to Council Member Hitchcock, City Manager King stated a new subdivision of five or more units, which is consistent with the Subdivision Act, will be required to join the current CFD or form an additional CFD. Consultant Susan Goodwin stated a single property currently located within the boundaries of the district will be taxed if it subdivides at a future date. City Attorney Schwabauer stated the provisions of the Subdivision Act prevent single lot developments through subterfuge.

In response to Council Member Hansen, City Manager King stated there is an expectation of 100% on the election for properties covered by the development agreement.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously adopted Resolution No. 2007-59 establishing Community Facilities District No. 2007-1 (Public Services) and calling an election for April 11, 2007, for the purpose of submitting the levy of the special tax and the establishment of an appropriations limit to the qualified electors of the proposed Community Facilities District.

- I-2 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider resolution adopting Engineer's Report, confirming assessments, overruling protests, and declaring assessment ballot results and annexing territory into the Lodi Consolidated Landscape Maintenance Assessment District 2003-1 and forming Guild Avenue Industrial Zone 13.

City Manager King briefly introduced the subject matter.

Senior Civil Engineer Sharon Welch provided a brief report regarding the Lodi Consolidated Landscape Maintenance Assessment District 2003-1 and Guild Avenue Industrial Zone 13. Ms. Welch specifically discussed the three subject parcels, improvement overviews for Victor Road, and assessment and revenue timelines.

In response to Council Member Hitchcock, Ms. Welch stated the 5% maximum for the three parcels increases on an annual basis.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

RECESS

At 8:27 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 8:37 p.m.

I. PUBLIC HEARINGS (Continued)

I-2 City Clerk Johl reported that the election results were as follows:
(Cont'd.)

Property owner Archer Daniels Midland Corporation (APN 049-040-91) represents 58.77% of the total assessment, which equals \$5,351.99. This property owner voted in favor of the assessment.

Property owner Clarkson California Properties (APN 049-080-17) represents 21.26% of the total assessment, which equals \$1,936.32. This property owner voted in opposition to the assessment.

Property owner Delmar and Doris Batch (APN 049-080-16) represent 19.97% of the total assessment, which equals \$1,818.21. To date, this property owner did not vote.

The assessment was successful by a 58.77% majority vote.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Katzakian second, unanimously adopted Resolution No. 2007-60 declaring the results of the assessment ballot tabulation, to annex territory into the Lodi Consolidated Landscape Maintenance District No. 2003-1, ordering maintenance work therein, and confirming the report, diagram, and assessment and providing for the levy of the annual assessment therein.

I-3 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider approval of the following items:

- a) Approve the following Negative Declarations:
 - Negative Declaration 06-03 for the General Plan amendment and change in zoning for the Gini Project (expansion of auto-related businesses);
 - Negative Declaration 06-04 for the General Plan amendment and change in zoning for the Lodi Memorial Hospital Project (new south wing addition and other related facilities);
- b) Amend the General Plan designation for 1333 and 1325 South Central Avenue from Eastside Residential to General Commercial (Gini Project) and for 1201, 1139, 1133, 1127, 1121, and 1115 West Cardinal Street from Low Density Residential to Office (Lodi Memorial Hospital Project);
- c) Rezone 1333 and 1325 South Central Avenue from RE-1, Single Family Residential Eastside, to C-2, General Commercial; and
- d) Rezone 975, 999, and 1031 South Fairmont Avenue; 1200 West Vine Street; and 1201, 1139, 1133, 1127, 1121, and 1115 West Cardinal Street from RCP, Residential-Commercial-Professional Office, and R2, Residence District, to PD, Planned Development, and approve Development Plan.

NOTE: Due to a potential conflict of interest stemming from his employment as a real estate appraiser, Mayor Johnson abstained from discussion and voting on the Lodi Memorial Hospital Project matter only (not the Gini Project).

Community Development Director Hatch provided a historical review and current status report of the proposed Gini Project, including Planning Commission review and staff recommendation regarding the same.

In response to Council Member Hitchcock, Mr. Hatch stated the proposed usage is auto-related and the proposed parking, based on square footage, meets City standards and does not take into account the bays, which may represent additional parking.

In response to Council Member Hitchcock, Mr. Hatch stated staff did review the parking by the church and determined that the west side parking would not be burdened because all other parking requirements were met. Discussion ensued between Council Member Hitchcock and Mr. Hatch regarding the masonry wall, final building designs, and egress and ingress from Kettleman Lane for circulation needs.

In response to Mayor Pro Tempore Mounce, Mr. Hatch stated the adjacent houses may have been originally zoned commercial. He stated the zoning would not prevent normal maintenance but may require permits for certain repairs and expansions.

Hearing Opened to the Public – Gini Project

- Ken Gini, owner of the property, spoke in favor of the proposed action, based on his desire to expand and contribute to the community. In addition, he stated he is donating to Habitat for Humanity in an effort to address Ann Cerney's concerns regarding affordable housing. In response to Council Member Hansen, Mr. Gini stated the main access is through Kettleman Lane and there is no signage on Central Avenue. He stated he has been in business for 20 years and is adding services.
- Ann Cerney spoke in regard to her concern about California Environmental Quality Act compliance and stated she would like to see something specific about Mr. Gini's offer to donate to Habitat for Humanity.

In response to Council Member Hitchcock, Mr. Hatch stated there was not a significant impact on traffic, they received affirmative comments from Public Works on the ability to serve, and there are mandated oil separators for an auto-related business.

Community Development Director Hatch provided a historical review and current status report of the proposed Lodi Memorial Hospital Expansion Project, including Planning Commission review and staff recommendation regarding the same.

Mayor Johnson recused himself based on the appearance of a conflict as related to a business interest.

In response to Council Member Hitchcock, Mr. Hatch stated Phase 1 will meet parking requirements by using homes fronting Cardinal Street, but the parking structures will be necessary for Phases 2 and 3.

In response to Council Member Hansen, Mr. Hatch stated the new entrance is off of Ham Lane.

Hearing Opened to the Public – Lodi Memorial Hospital Project

- Joe Harrington, Chief Executive Officer for Lodi Memorial Hospital, stated the proposed expansion addresses ongoing efforts to meet the needs of the hospital until 2030 for growth and seismic requirements, medical and surgical beds, and emergency services. In response to Council Member Hitchcock, Mr. Harrington stated the entire project will cost approximately \$196 million. In response to Council Member Hansen, Mr. Harrington stated they will tear down the existing structure, instead of remodeling, because of seismic concerns and the parking structure will have to be completed prior to the wing. In response to Council Member Katzakian, Mr. Harrington stated the expansion will include 90 additional beds in private rooms.

Public Portion of Hearing Closed

MOTION #1 / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Hansen second, unanimously adopted Resolution No. 2007-61 certifying Negative Declaration 06-03 as adequate environmental documentation for the Gini Project General Plan amendment and rezone.

MOTION #2 / VOTE:

The City Council, on motion of Council Member Hitchcock, Hansen second, adopted Resolution No. 2007-62 certifying Negative Declaration 06-04 as adequate environmental documentation for the Lodi Memorial Hospital Project General Plan amendment and rezone. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mounce
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – Mayor Johnson

MOTION #3 / VOTE:

The City Council adopted Resolution No. 2007-63 by the following motions/votes:

- On motion of Mayor Pro Tempore Mounce, Hansen second, unanimously amended the Land Use Element of the Lodi General Plan by redesignating 1333 and 1325 South Central Avenue from Eastside Residential to General Commercial (Gini Project); and
- On motion of Council Member Hitchcock, Hansen second, amended the Land Use Element of the Lodi General Plan by redesignating 1201, 1139, 1133, 1127, 1121, and 1115 West Cardinal Street from Low Density Residential to Office (Lodi Memorial Hospital Project) by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mounce
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – Mayor Johnson

MOTION #4 / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Katzakian second, unanimously introduced Ordinance No. 1795 amending the Official District Map of the City of Lodi and thereby rezoning 1325 and 1333 South Central Avenue (APN 047-270-11 and 047-270-12) from RE-1, Single Family Residential Eastside, to C-2, General Commercial, for the Gini Project.

MOTION #5 / VOTE:

The City Council, on motion of Council Member Hitchcock, Hansen second, introduced Ordinance No. 1796 amending the Official District Map of the City of Lodi and thereby rezoning 975, 999, and 1031 South Fairmont Street; 1200 West Vine Street; and 1201, 1139, 1133, 1127, 1121, and 1115 West Cardinal Street from R-C-P, Residential-Commercial-Professional Office, and R-2, Residence District, to PD, Planned Development, for the Lodi Memorial Hospital Project. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mounce
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – Mayor Johnson

MOTION #6 / VOTE:

The City Council, on motion of Council Member Hitchcock, Mounce second, adopted Resolution No. 2007-64 approving the Lodi Memorial Hospital Project Development Plan. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mounce
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – Mayor Johnson

J. COMMUNICATIONS

J-1 Claims Filed Against the City of Lodi – None

J-2 The following postings/appointments were made:

- a) The City Council, on motion of Mayor Pro Tempore Mounce, Johnson second, unanimously directed the City Clerk to post for the following expiring terms and vacancies:

Greater Lodi Area Youth Commission (Student Appointees)

Larissa Boyer	Term to expire May 31, 2007
Corinne Casey	Term to expire May 31, 2007
Jordan McCroskey	Term to expire May 31, 2007
Jonathan Newman	Term to expire May 31, 2007
Holly Jacobus	Term to expire May 31, 2008
Sarah McConahey	Term to expire May 31, 2008
Whitney Sandelin	Term to expire May 31, 2008

Library Board of Trustees

Cynthia Neely	Term to expire June 30, 2007
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Lodi Arts Commission

Laura Heinitz	Term to expire July 1, 2007
Margie Lawson	Term to expire July 1, 2007
Beverly Norcross	Term to expire July 1, 2007

Planning Commission

Randy Heinitz	Term to expire June 30, 2007
Gina Moran	Term to expire June 30, 2007

J-3 Miscellaneous – None

K. REGULAR CALENDAR

K-1 “Adopt Resolution Authorizing the City Manager to Execute a Memorandum of Understanding with San Joaquin County for Provision of Domestic Wastewater Treatment Services for County Service Area 31 (Flag City)”

Public Works Director Prima provided a general overview of the proposed Memorandum of Understanding (MOU) with San Joaquin County regarding Flag City as outlined in detail in the Council Communication. City Attorney Schwabauer stated the agreement does not cede land use control to the City, but it does ensure a third party cannot sue the City or County contending the City must admit them for treatment plant services. City Manager King stated the agreement also allows for a tax share agreement.

In response to Council Member Hitchcock, Mr. Schwabauer stated the City cannot control land use decisions by the County, but it can say that it will not expand sewer service to serve expanded areas, which practically will limit the County’s ability to expand or necessitate it building a plant of its own.

In response to Council Member Hitchcock, Mr. Schwabauer stated what to do in the event of an unauthorized connection is a negotiation point. Mr. King stated the purpose of the agreement is to have an ability to exercise some control over Flag City and obtain a tax base share, and not to be in the business of selling wastewater services.

Discussion ensued between Council Member Hitchcock, City Attorney Schwabauer, City Manager King, and Public Works Director Prima regarding exercising control over the County service area, obtaining a tax share of the serviced areas, punitive penalties, language protection in the agreement, services both in and outside of the City, capacity

concerns and possible expansion, design guidelines (which may be a precondition to enter into the agreement; although, the County still retains the ability to change), discharge permit, and access to the plant for connection purposes.

In response to Mayor Pro Tempore Mounce, Mr. Prima stated Stockton could physically hook-up to Lodi's connection, but it does not believe it is practical.

In response to Council Member Katzakian, Mr. Prima stated capacity is determined by showing the State that we can meet the capacity standards that we are asking for and there is sufficient cushion in the current application.

In response to Council Member Hansen, Mr. Prima stated a high-strength customer is defined in the ordinance based on volume.

PUBLIC COMMENTS:

- Ann Cerney stated the proposed MOU is discretionary and commented on California Environmental Quality Act requirements, growth considerations, and an administrative fee.

In response to Council Member Hansen, Mr. Prima stated the \$6 million capacity fee is a one-time cost paid before connection.

In response to Council Member Hansen, City Attorney Schwabauer stated in order to meet growth needs, Stockton would have to drastically change its current facility, build a new facility at great expense, or connect to the City's facility.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Katzakian second, adopted Resolution No. 2007-65 authorizing the City Manager to execute an MOU with San Joaquin County, including terminology for design standards, for provision of domestic wastewater treatment services for County Service Area 31 (Flag City). The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, and Mayor Johnson
Noes: Council Members – Hitchcock and Mounce
Absent: Council Members – None

- K-2 "Review Groundwater Charge for City Wells Proposed by the North San Joaquin Water Conservation District and Direct Staff as Appropriate"

This item was tabled until the April 18, 2007, Council meeting to provide District staff with an opportunity to attend the meeting.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously tabled the matter until the regular meeting of April 18, 2007.

- K-3 "Adopt Resolution Approving Contract with Boom Boom Productions, of Hayfork, CA, for 2007 Fourth of July Fireworks Display and Approve Proposed Venue Location"

City Manager King provided a brief introduction to the subject.

Parks and Recreation Director Tony Goehring provided a PowerPoint presentation regarding the proposed 2007 Fourth of July fireworks display and venue location. Specific topics of discussion included contract with vendor of choice, site locations, fallout regulations, the undeveloped 13-acre site at Lodi Lake, advantages of the recommended site, Parks and Recreation Commission support, Rotary and World of Wonders (WOW) group involvement and costs associated with the same, fencing as security measure, admission to Lodi Lake, safety concerns, and costs associated with trash receptacles, port-a-potties, and personnel.

In response to Council Member Hitchcock, Mr. Goehring stated the City has not made a profit for the last nine years for the Oooh Ahhh festival, but it may come out ahead this time. City Manager King stated there is a small amount of funding for special events in the current budget.

Discussion ensued between the City Council and Mr. Goehring regarding charging an entrance fee.

In response to Council Member Hansen, Mr. Goehring stated there will be a weapons check using the wand.

Mayor Pro Tempore Mounce stated Stockton may be reconsidering having a fireworks display for the Fourth of July.

Sally Snyder, representative from WOW, stated it is planning on having a small family-friendly event in a specified area to promote the museum and fundraise for Rotary.

City Manager King stated the proposed vendors are Boom Boom, Inc. and Pyro Spectaculars. City Attorney Schwabauer stated there is a provision for a three-year term of contract with Pyro Spectaculars that he will follow up on.

Discussion ensued between Council Member Hitchcock, Mayor Pro Tempore Mounce, City Manager King, and City Attorney Schwabauer regarding liability concerns and proper insurance coverage.

Verne Person stated the Fire Department is supportive of working with both companies.

MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Mounce second, unanimously adopted Resolution No. 2007-66 approving a one-year contract with Pyro Spectaculars, Inc., for 2007 Fourth of July fireworks display, in the amount of \$22,000, and approved the proposed venue location of the undeveloped 13-acre area west of Lodi Lake.

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

The City Council, on motion of Mayor Pro Tempore Mounce, Hitchcock second, unanimously voted to continue with the remainder of the meeting, with the exception of Items K-4 and K-5, following the 11:00 p.m. hour.

K. REGULAR CALENDAR (Continued)

K-4 "Adopt Resolution Certifying Negative Declaration and Authorizing the City Manager to Execute Contracts for Construction, Testing and Inspection, and Construction Administration for White Slough Water Pollution Control Facility Phase 3 Improvements Project (\$17,543,774) and to Adjust Existing Appropriations" was ***pulled from the agenda pursuant to the above vote.***

K-5 "Consideration of Adjustments to the City Manager and City Attorney Employment Agreements" was ***pulled from the agenda pursuant to the above vote.***

L. ORDINANCES

- L-1 Following reading of the title of Ordinance No. 1793 entitled, "An Ordinance of the City Council of the City of Lodi Approving the Request of Tom Doucette, Frontier Community Builders, for Pre-Zoning to PD (Planned Development) on 151 Acres (Westside Project)," having been introduced at a regular meeting of the Lodi City Council held April 4, 2007, the City Council, on motion of Mayor Johnson, Hitchcock second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Hitchcock, Katzakian, and Mayor Johnson
Noes: Council Members – Mounce
Absent: Council Members – None
Abstain: Council Members – Hansen

- L-2 Following reading of the title of Ordinance No. 1794 entitled, "An Ordinance of the City Council of the City of Lodi Adopting a Development Agreement Pertaining to the Development of 151 Acres Located on the West Side of Lower Sacramento Road between the Woodbridge Irrigation District Canal and Vine Street (Westside Project) (Development Agreement GM-05-002)," having been introduced at a regular meeting of the Lodi City Council held April 4, 2007, the City Council, on motion of Mayor Johnson, Katzakian second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Hitchcock, Katzakian, Mounce, and Mayor Johnson
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – Hansen

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:34 p.m.

ATTEST:

Randi Johl
City Clerk